

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UPPER MISSOURI WATERKEEPER,

Plaintiff,

vs.

UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY and SCOTT PRUITT,
Administrator, United States
Environmental Protection Agency,

Defendants,

and

STATE OF MONTANA
DEPARTMENT OF
ENVIRONMENTAL QUALITY,
TREASURE STATE RESOURCES
ASSOCIATION OF MONTANA,
MONTANA LEAGUE OF CITIES
AND TOWNS, and NATIONAL
ASSOCIATION OF CLEAN WATER
AGENCIES

Defendants and Intervenors.

CV-16-52-GF-BMM

ORDER

The Court granted in part, and denied in part, Plaintiff Upper Missouri Waterkeeper's motion for summary judgment. The Court also granted in part, and

denied in part, cross-motions for summary judgment filed by Defendants United States Environmental Protection Agency (“EPA”) and Scott Pruitt, EPA Administrator, and Defendant-Intervenors State of Montana Department of Environmental Quality (“DEQ”), Treasure State Resources Association of Montana, Montana League of Cities and Towns, and National Association of Clean Water Agencies (collectively “Defendants”). (Doc. 177.) The Court also requested additional briefing on the appropriate remedy should the parties not be able to agree on that issue. (*Id.* at 35.)

The parties submitted briefing and the Court issued an order remanding this matter to DEQ. (Doc. 184.) The Court set out a timeline for DEQ and EPA to complete and review DEQ’s plan to set a new timeline that begins with the attainment of the Current Variance Standard and works toward attainment of Montana’s Base Water Quality Standards (WQS). (*Id.*)

EPA filed a new Unopposed Motion for Clarification on whether the remedy order represented the Court’s final act in this matter, aside from taxing costs or awarding fees. (Doc. 185.)

ACCORDINGLY, IT IS HEREBY ORDERED that:

- (1) The Clerk shall enter Final Judgment in this matter in accordance with the Court's orders on March 25th, 2019 (Doc. 177) and July 16, 2019 (Doc. 184).
- (2) All other relief requested by the parties in this action is denied.

DATED this 17th day of September, 2019.



Brian Morris
United States District Court Judge

